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10           Attorneys for USACM Liquidating Trust

11           **UNITED STATES BANKRUPTCY COURT**  
 12           **DISTRICT OF NEVADA**

13           In re:

14           **USA COMMERCIAL MORTGAGE**  
 15           **COMPANY,**

16           Debtor.

17           Case No. BK-S-06-10725-LBR

18           Chapter 11

19           **NOTICE OF HEARING ON**  
 20           **OBJECTION OF USACM**  
 21           **LIQUIDATING TRUST TO**  
 22           **DEVELOPERS CAPITAL FUNDING**  
 23           **CORPORATION PROOFS OF**  
 24           **CLAIM AND CERTIFICATE OF**  
 25           **SERVICE**

26           Date of Hearing: November 15, 2011

1           Time of Hearing: 9:30 a.m.

2           Estimated Time for Hearing: 10 Minutes

3           **THE USACM LIQUIDATING TRUST IS OBJECTING TO A CLAIM THAT**  
 4           **YOU FILED. THE USACM TRUST SEEKS TO DISALLOW IN FULL PROOFS**  
 5           **OF CLAIM NO. 10725-00217 AND 10725-00224**

6           **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
 7           **COURT TO DISCUSS THE MERITS OF YOUR CLAIM. ADDRESS QUESTIONS**  
 8           **REGARDING THE CLAIM TO UNDERSIGNED COUNSEL, JOHN**  
 9           **HINDERAKER (520-629-4430).**

10           **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and  
 11           through its counsel, has filed its Objection to Proof of Claim Filed by Developers Capital  
 12           Funding Corporation, (with Certificate of Service) (the "Objection"). The first page of  
 13           your Proofs of Claim as required by Nevada LR 3007, is attached to the Objection as



1 **Exhibit A and Exhibit B.** The USACM Liquidating Trust has requested that this Court  
2 enter an order, pursuant to section 502 of title 11 of the United States Code (the  
3 "Bankruptcy Code") and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the  
4 "Bankruptcy Rules"), to disallow your Proof of Claim in full.

5 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held  
6 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal  
7 Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
8 **November 15, 2011, at the hour of 9:30 a.m.**

9 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**  
10 **NOVEMBER 15, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS**  
11 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**  
12 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

13 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any  
14 response to the objection must be filed and service must be completed no later than  
15 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant  
16 facts and any relevant legal authority.

17 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
18 pleading with the Court. You *must* also serve your written response on the person who  
19 sent you this notice.

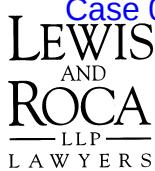
20 If you do not file a written response with the Court, or if you do not serve your  
21 written response on the person who sent you this notice, then:

22

- 23 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 24 • The Court may *rule against you* and sustain the objection without formally  
calling the matter at the hearing.

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1 DATED this 23rd day of September, 2011.

2 LEWIS AND ROCA LLP

3

4 By /s/ John Hinderaker (#18024)

5 Robert M. Charles Jr. NV 6593

6 John C. Hinderaker, AZ 18024 (*pro hac vice*)

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8 Las Vegas, Nevada 89169

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11 E-mail: [jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

12 Attorneys for the USACM Liquidating Trust

13 Copy of the foregoing mailed by  
14 first class postage prepaid U.S. Mail on  
15 September 23, 2011 to:

16 Doug Esteves  
17 Developers Capital Funding Corporation  
18 2040 S. Alma School Rd., Suite 1  
19 Chandler, AZ 85286-7076

20 LEWIS AND ROCA LLP

21 /s/Marilyn Schoenike  
22 Marilyn Schoenike

23

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